

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

ANGELA CARSON and  
BRENNAN MOORES,

Plaintiffs,

v.

No.

PEHAJ TRUCK LINE, INC. d/b/a  
NK TRANSPORT and CHARANJIT SINGH,

Defendants,

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. § 1332, 1441(A) and 1446, Defendants, Pehaj Truck Line, Inc. d/b/a NK Transport and Charanji Singh, through Hatcher Law Group, P.A., give Notice of Removal of the above captioned matter from the First Judicial District Court, County of Santa Fe, State of New Mexico. In support of this Notice, Defendants state:

1. On January 7, 2022, Plaintiffs filed their “Complaint for Personal Injuries” against Defendants, Pehaj Truck Line, Inc. d/b/a NK Transport (Pehaj) and Charanji Singh (Singh), in the First Judicial District Court, County of Santa Fe, in a matter styled *Angela Carson, et al. v. Pehaj Truck Line, Inc., et al.*, No. D-101-CV-2022-00060. Plaintiffs’ Complaint alleges personal injuries arising out of a rear end collision involving a tractor/trailer driven by Defendant Singh, who was in the scope of employment with Defendant, Pejah. (Exhibit “A”). The District Court of the United States has original jurisdiction over this action pursuant to 28 U.S.C. § 1332 because it is a civil action between citizens of different states, and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

2. This Notice of Removal is timely. Although Defendant, Pehaj, was served with a Summons and Complaint on January 14, 2022, Defendant Singh was never served but, through below-signed counsel, enters his appearance and was first provided a copy of Plaintiffs' Complaint by below-signed counsel on March 3, 2022.

3. As the incident set forth in the state action occurred in the County of Torrence, State of New Mexico, venue in this Court is proper.

4. At all relevant times Plaintiffs, as alleged, were residents of the State of Arkansas.

5. Defendant Singh, as alleged, is a resident of the State of California.

6. Defendant Pehaj is alleged to be a corporation formed in the State of Texas. In fact, Defendant Pehaj's principal place of business and place of residency is the State of California.

7. Complete diversity exists between Plaintiffs and Defendants.

8. Per Plaintiffs' Complaint allegations, causes of action and damages sought, to include claims for compensatory damages due to medical costs, lost wages, loss of earning capacity, pain and suffering, mental anguish, physical impairment, and other damages that will be proved at trial, they also pray for an award of punitive damages against all Defendants for acting "intentionally, maliciously, willfully, recklessly, and/or with wanton disregard for the safety of others." New Mexico state court practice does not allow a demand with a specific sum in the ad damnum clause of a complaint. The Complaint, however, does seek a money judgment and this Notice of Removal asserts that the amount in controversy, upon belief, for each Plaintiff, exceeds the sum of \$75,000 in damages. 28 U.S.C. § 1446(C)(2).

9. This cause of action arises out of a vehicular accident in which both Plaintiffs claim bodily injuries, in addition to loss of earnings and earning capacity, as well as punitive damages against each Defendant.

10. Defendant Pehaj, at the time of the accident, was operating as an interstate motor carrier and Defendant, Singh, was driving a 2019 Freightliner tractor/trailer combination which, according to the allegations, was “traveling at an unsafe speed for the conditions” and “struck Plaintiffs from behind due to the traffic in front of him at a construction zone.” (Complaint, ¶¶ 14 and 15). The “force of the collision then propelled Plaintiffs’ vehicle into a guardrail,” according to the allegations. *Id.*

11. The Complaint against Defendant Singh as well as an independent cause of action against Defendant Pehaj, raises issues concerning liability pursuant to the Federal Motor Carrier Safety Administration and accompanying regulations under the Federal Motor Carriers Safety Regulations and Federal Hazardous Materials Regulations. There are numerous safety violations alleged in the Complaint which presumably form the basis both for claims of compensatory as well as punitive damages.

12. Although Plaintiffs do not, as stated, claim an amount in controversy nor has there been any discovery undertaken in this case, it is reasonable to assume, based on the nature of the allegations, as well as the claims for injuries, economic loss, and punitive damages, that the amount in controversy reasonably exceeds \$75,000.

13. Pursuant to 28 U.S.C. § 1446(D), Defendants are filing this Notice of Removal with the Clerk for the State Court in which the state court action was originally filed. Copies of the Notice to the First Judicial District Court, County of Santa Fe, State of New Mexico, of this removal to federal court, together with this Notice of Removal with Exhibits are being served upon opposing counsel pursuant to 28 U.S.C. § 1446(D).

14. Copies of all pleadings, process, and orders in the state court lawsuit are attached.

WHEREFORE, Defendants remove the above titled action now pending in the First Judicial District Court of the State of New Mexico to this Court such that this Court assumes full jurisdiction over this action as provided by law.

Respectfully submitted,

HATCHER LAW GROUP, P.A.

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies he transmitted via CM/ECF a true and accurate copy of the foregoing to:

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On this 7th day of March 2022.

/s/ Scott P. Hatcher  
Scott P. Hatcher, Esq.